UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

TORREY GRAGG, on his own behalf and on behalf of similarly situated persons, Plaintiff, v. ORANGE CAB COMPANY, INC., a Washington corporation; and TAXIMAGIC, INC., a Delaware corporation d/b/a TAXI MAGIC, Defendants.	No. C12-0576-RSL DECLARATION OF RYAN C. GIST IN SUPPORT OF DEFENDANTS' MOTION FOR SUMMARY JUDGMENT *Noted on Motion Calendar:* August 9, 2013

I, Ryan Gist, declare as follows:

1.   I am an attorney with Davis Wright Tremaine LLP, counsel to defendants Orange Cab and TaxiMagic. I have personal knowledge of the matters referred to in this Declaration.

2.   Attached as Exhibit A is a true and correct copy of portions of the deposition transcript of Thomas DePasquale, dated May 21, 2013.

3.   Attached as Exhibit B is a true and correct copy of portions of the deposition transcript of Tadesse Woldearegaye, dated May 31, 2013.

4.   Attached as Exhibit C is a true and correct copy of portions of the he deposition transcript of Torrey Gragg, dated June 28, 2013.

5.   Attached as Exhibit D is a true and correct copy of a presentation titled Dispatch Notification Value Proposition, dated July 2010, which was submitted as Woldearegaye Dep.

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Ex. 29 and produced in this litigation as OC000144-48.

6. Attached as <u>Exhibit E</u> of an email from Tim Csontos to Seattle Orange GM, dated July 29, 2010, which was submitted as DePasquale Dep. Ex. 4 and produced in this litigation as OC000439-40.

7. Attached as <u>Exhibit F</u> is a true and correct copy of an email string between David Paul, Jay McClary, and Becky Byrley, dated July 7, 2011, which was submitted within DePasquale Dep. Ex. 1 and produced in this litigation as TM001049-51.

8. Attached as <u>Exhibit G</u> is a true and correct copy of an email exchange between numerous TaxiMagic employees, dated August 31, 2011, which was submitted within DePasquale Dep. Ex. 1 and produced in this litigation as TM000876-77.

9. Attached as <u>Exhibit H</u> is a true and correct copy of a Smart Search Detail Report, which was submitted as DePasquale Dep. Ex. 7 and produced in this litigation as OC000014; a non-bates stamped version of this documents was also submitted as Woldearegaye Dep. Ex. 7.

10. Attached as <u>Exhibit I</u> is a true and correct copy of Plaintiff's wireless current usage details, which was submitted as Gragg Dep. Ex. 6 and produced in this litigation as GRAGG0004-5.

11. Attached as <u>Exhibit J</u> is a true and correct copy of TaxiMagic's historical logs, which was submitted within DePasquale Dep. Ex. 1 and produced in this litigation as TM005102-06, 5109, and 5272.

12. Attached as <u>Exhibit K</u> is a true and correct copy of portions of the deposition of Ameer Badri, dated June 28, 2013.

I declare under penalty of perjury of the laws of the United States that the foregoing is true and correct to the best of my knowledge.

Executed this 18th day of July, 2013, in Seattle, Washington.

        s/*Ryan C. Gist*
        Ryan C. Gist, WSBA #41816

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CERTIFICATE OF SERVICE

I hereby certify that on this day, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

- **Donald W. Heyrich**
  dheyrich@hkm.com, dkalish@hkm.com, sforbes@hkm.com

- **Albert H. Kirby**
  ahkirby@kirby-legal.com

and I hereby certify that a copy was mailed by United States Postal Service to the following non-CM/ECF participants.

N/A

DATED this 18th day of July, 2013.

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GIST DECL.
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EXHIBIT A

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UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF WASHINGTON

AT SEATTLE

_____

TORREY GRAGG, on his own behalf and   )
on behalf of other similarly   )
situated persons,   )
)
             Plaintiff,   )
)
   vs.   )No. 2:12-cv-00576-RSL
)
ORANGE CAB COMPANY, INC., a   )
Washington corporation; and   )
RIDECHARGE, INC., a Delaware   )
Corporation, doing business as   )
TAXI MAGIC,   )
)
             Defendants.   )
)
_____

Deposition Upon Oral Examination

of

THOMAS DEPASQUALE
_____

8:05 A.M.

May 21, 2013

1325 Fourth Street, Suite 540

Seattle, Washington

Laura L. Venegas, CCR, RPR   MOBURG, SEATON & WATKINS

2033 Sixth Avenue, Suite 826   Seattle, WA 98121

 1   Magic, but maybe I have that wrong.

 2   A.   Ridecharge isn't a brand. We have products that

 3   are brands, and Ridecharge is the corporate entity.

 4   Q.   Is it okay if I refer to the company as Taxi

 5   Magic?

 6   A.   Sure, as long as we -- if questions state to

 7   Taxi Magic products, then it would make sense, or

 8   Ridecharge. I don't care.

 9   Q.   Just so I understand the distinction between

10   Ridecharge and Taxi Magic, Ridecharge is a legal entity as

11   a company; is that right?

12   A.   Correct.

13   Q.   And Taxi Magic is a product?

14   A.   Yes.

15   Q.   What other products does Ridecharge have other

16   than Taxi Magic?

17   A.   Sedan Magic, which would be in the New York

18   area. Aleph, which is a dispatch system for the sedan

19   business. And then within the Taxi Magic family, there

20   are four or five products.

21   Q.   What products are those?

22   A.   They would be Taxi Magic, the app; Taxi Magic

23   web services; Taxi Magic SMS. I guess those would be the

24   brands.

25   MR. HEYRICH: Let's go ahead and mark these as

 1   don't really know who the rider is at that point. It's a

 2   ride.

 3   In most of these, you never want to tell

 4   somebody who is a rider because of the profile and

 5   destinations and stuff. So it's a generic ride, often to

 6   a contract employee who is the driver, who can choose to

 7   accept that ride or not. They tend to find out nothing

 8   about the rider until they accept the ride.

 9   Q.   Are you familiar with the DDS software --

10   A.   Yes.

11   Q.   -- and how the dispatching works in DDS?

12   A.   Yes.

13   Q.   DDS within it has a component that matches

14   potential cabs with rides; is that right?

15   A.   First of all, there are two fundamental versions

16   and five permutations of DDS. So I will give a generic

17   answer across all of them, but some are more advanced than

18   others.

19   The operators answer the phone, or we have sent

20   a ride via Taxi Magic to a cue. It is then sent out to

21   drivers in the region that are available, and depending on

22   the technique the cab company uses to assign to riders,

23   whether it's a round robin or nearest cab -- which varies

24   by the time of day -- a cab is then sent -- an offer is

25   sent to a driver saying, "Would you like this ride?"

1   They then hit a button on their in-cab

2 technology with DDS. It's called an MDT, mobile data

3 terminal. DDS produces their own.

4   The driver says, "Yes, I'll take that ride." At

5 that point they're given information about the ride.

6   Q.   Are there other leading dispatch systems around

7 the country, maybe like top three?

8   A.   DDS, Mobile Knowledge, and MK Data would be the

9 three largest that I'm aware of, though I don't see exact

10 market shares.

11   Q.   Between the two of those, what percentage of the

12 overall dispatch market do those companies have?

13   A.   I don't know.

14   MR. GIST: Objection. Speculation.

15   THE WITNESS: I don't know the answer.

16   MR. GIST: Make sure you give me a second to

17 object after he asks the question.

18   THE WITNESS: Sure.

19 BY MR. HEYRICH:

20   Q.   Would you agree that information about

21 smartphone use is important to a company like Taxi Magic?

22   A.   I don't understand the question.

23   Q.   Well, the company relies on smartphone use for

24 its business, in part; correct?

25   A.   Correct.

 1   correct?

 2   A.   We believe that's the trend.

 3   Q.   The company's positioning itself to take

 4   advantage of that trend?

 5   A.   Take advantage of that trend?

 6   Q.   In other words, it's an emerging market, and the

 7   company is positioning itself to serve that market?

 8   A.   The market of ground transportation is very much

 9   there today. We're working as -- as there's long history

10   in that market from the days of radios in cars to cell

11   phones in cars to MDTs in cars. That technology is

12   getting smarter. So there's the next generation of

13   knowledge for some 50 years.

14   Q.   Among the company competitors, who would you

15   identify as the chief competition?

16   A.   Probably Uber is the number one competitor.

17   Q.   Lyft? Would Lyft also be a competitor?

18   A.   I guess I would say they were.

19   Q.   Is DDS a competitor?

20   A.   DDS has an app that we've seen very little of,

21   but they have an app that competes. There's lots of

22   competitors.

23   Q.   Is it fair to say that if someone is going to

24   use a smartphone to order a taxi, the company wants that

25   to be on the Taxi Magic application?

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 1   with that phased marketing launch, aren't they?

 2        A.    Um-hmm.

 3             MR. GIST:  Have you had time to read the whole

 4   document?

 5             THE WITNESS:  I have not.

 6   BY MR. HEYRICH:

 7        Q.    Would you agree that, once again, Mr. Paul is

 8   mentioning dispatch notifications as a form of marketing?

 9        A.    Sure.  But dispatch notifications -- the number

10   one people like about it is, "Cab 23 is coming along."

11             The tag on the bottom of it is -- is a tag on

12   the bottom of it.  The notification is what people seek

13   and go after.

14        Q.    Right.

15             I understand that's what's in your marketing

16   materials to taxi companies.  I'm just asking you about

17   what this document says.

18             Elsewhere in the documents there's a reference

19   to dispatch notifications as the gravy train.

20             Does that surprise you?

21        A.    I would be happy to look at a document, if you

22   want to show me.

23             Can I step out a minute with --

24             MR. HEYRICH:  You want to take a quick break?

25             THE WITNESS:  Two minutes.
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    1   SMS that wants the app.

    2   Q.   Let me turn your attention to page 2641.

    3   MR. GIST: I'll just raise a standing objection

    4   as out of context.

    5   THE WITNESS: Okay.

    6   BY MR. HEYRICH:

    7   Q.   Now, I want you to take all the time you need to

    8   review this page, and if you want the whole document, I

    9   will get it.

   10   What I want to ask you is whether this page

   11   accurately depicts how you understand dispatch

   12   notifications to work?

   13   A.   This is a page I'm very familiar with and it

   14   leaves out a key component because it's irrelevant to the

   15   message, but it does work this way with -- missing one key

   16   component of what's occurring in the dispatch box.

   17   Q.   What is that key component?

   18   A.   So there's another human intervention. So the

   19   way the dispatch system works, it sends it out to the cab

   20   available, and that cab driver has to choose to take the

   21   ride or reject the ride.

   22   If he rejects the ride, it goes to another

   23   ride -- taxi -- until somebody finally takes it. So

   24   there's a bunch of human intervention that occurs here,

   25   (Indicating).

 1   customer list. So how can we protect it by not having it?

 2   We have a list of who chose to be their default,

 3   but we can't tell you who Yellow Cabs are. We don't have

 4   any of that. You could say, "Here are the phone numbers

 5   that Yellow sent to. We don't know who they are. It's a

 6   phone number. That may be a cell phone number."

 7   This was a concern that industry had about the

 8   fear of change. When other pressures came on to the

 9   industry, that went out of the way, and the new pressure

10   was competing with Ubers.

11   So this issue was fear of change, which really

12   never had any teeth, but didn't mean we didn't have to

13   deal with it for many months.

14   Q.   1021, please.

15   Who is William Rouse?

16   A.   Mr. Rouse runs some of the Rouse family cab

17   companies. He is the son of Mitch Rouse, and one of his

18   largers is Yellow Cab, Fiesta Cab, L.A. South Cab are some

19   of his.

20   Q.   You can have time to review the entire document,

21   but what I wanted to ask you about is on the bottom of

22   1021, whether that e-mail is an example of the type of

23   concern that was expressed by some transportation

24   providers regarding the protection of their customers?

25   MR. GIST: I'm going to object to this line of

     1   THE WITNESS: No.

     2   BY MR. HEYRICH:

     3   Q.   I'm sorry. Let's say I was speaking specifically

     4   about call center dispatch.

     5   A.   Right.

     6   Q.   At what point in the process does Ridecharge

     7   obtain data?

     8   A.   When the order is placed. So I placed an order

     9   waiting for a car. So I format that part of the message.

    10   Q.   Isn't it after the car has been dispatched?

    11   MR. GIST: Objection. Asked and answered.

    12   THE WITNESS: First of all, would it matter? I

    13   almost feel like, "What does it matter?" But -- you know,

    14   more importantly, we format part of the message, and then

    15   we wait for the dispatcher to format the rest of the

    16   message.

    17   BY MR. HEYRICH:

    18   Q.   Let's take a look at Exhibit 7.

    19   Do you recognize Exhibit 7 at all?

    20   A.   I believe it is a DDS call screen.

    21   Q.   Could it be the DDS call screen for Torrey

    22   Gragg's call to Orange Cab?

    23   MR. GIST: I'm going to object as speculation.

    24   THE WITNESS: It is a DDS call. I don't

    25   know --

 1   attributes 1."

 2   Do you know what that shows or indicates?

 3   A.   I think that indicates DDS to us. I think they

 4   are the first ones to support it. I think that's

 5   indicated as DDS.

 6   Q.   Let's go backward in the notebook to 5102.

 7   A.   5102. Okay.

 8   Q.   So the last record we looked at had a "Created"

 9   time of 1:18, and do you see that 5102 has a "Created at"

10   time of 1:20?

11   A.   Yes. So this is when -- if you go back to the

12   time that we picked up, that matches up back in here,

13   (Indicating). So the cab -- so at this point we've told

14   them what cab is coming. We have enough information to

15   send a text message.

16   Q.   This record was created two minutes after the

17   record we looked at in 5105 and 5106; correct?

18   A.   It's a -- this section of the record was

19   completed at that time, right. It's probably one

20   continuous record.

21   Q.   The ID listed in this one that starts with a

22   404, what is that ID known as within the company?

23   MR. GIST: Asked and answered.

24   MR. HEYRICH: It's a different ID number.

25   MR. GIST: Sorry.

1   Q.   So it refers to which of the rotating marketing

2   messages was inserted?

3   A.   Right.

4   Q.   Now let's look at 5104. This one also has a

5   "Created at" time of 1:20.

6   A.   Um-hmm.

7   Q.   What does this record --

8   A.   It is the exact text of what we forwarded. So

9   it is the concatenated text, Taxi 850 that Mr. Gragg

10 ordered was dispatched at 5:20. Attached to that message,

11 the marketing message, and "Sent."

12   Q.   The SMS number ID is the same as the last record

13 we looked at; right?

14   A.   Yes.

15   Q.   And "SMSC ID equals 18."

16   Is that a reference to Twilio? Do you know?

17   A.   I actually don't. I don't know.

18   Q.   Around this time, March 2012, Taxi Magic was in

19 the process of moving some dispatch notifications to

20 Twilio; correct?

21   A.   Correct.

22   Q.   Prior to that time, it was a modem system; is

23 that right?

24   A.   Correct.

25   Q.   How can we tell whether this is a Twilio message

 1   or a modem message?

 2   A.   I don't believe we did anything with Twilio for

 3   anyone on this date.   So it would have to be a modem

 4   message.   As these become -- we started having too many

 5   messages for modems, and then we had to do silly things

 6   like send the same message 10 times or wait a day to send

 7   it and things like that.   The modems did not handle the

 8   volume.

 9   Q.   In 5104, where it says "Type," and it says, "SMS

10   sent," what does that field signify?

11   A.   That we sent a text message.

12   Q.   Is that what tells you that this is a record of

13   the actual text message?

14   A.   Well, the existence of the record is what tells

15   me that.   The record itself.

16   Q.   If you look at the message itself, with

17   the -- and specifically there's an HTTP link there.

18   Do you see that?

19   A.   Um-hmm.

20   Q.   Do you know how the URLs are generated?   In

21   other words, this 29E1B7D, is that something --

22   A.   It's an Apple technique to get you into the app

23   store on the right app.   So when you click on that, it

24   will open -- if you're on an Apple device, it will open up

25   the app store on -- so they basically give you an external

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 1        A.    That's a completely different question.  The

 2   time he received -- would you like me to answer the first

 3   question or the second question?

 4        Q.    Well --

 5        A.    All human intervention occurred in the first

 6   minutes.  Okay?  The first human intervention was when Mr.

 7   Gragg called Orange Cab.  I don't know if he was on hold

 8   for zero seconds or a minute or whatever.

 9              The operator answers, says, "Hello.  Orange Cab.

10   Can I help you?"  Mr. Gragg had chosen to display the

11   phone number to them.  They would already have it.

12              I believe Orange Cab keeps a running record for

13   90 days of many of their calls.  So if he called in the

14   last 90 days, they may have known what his last

15   destination is.  But that would be an Orange Cab decision.

16   I don't know what their retention of the records are.

17              So Mr. Gragg would have said, "I'd like a cab."

18   And they would say, "Where are you going," and they would

19   enter that in, and they would thank Mr. Gragg and hang up.

20              When they -- when they hit "Enter," we now have

21   two humans, Mr. Gragg and the operator.  It has now gone

22   out to the dispatch system looking for a driver.  The

23   drivers are reading messages and know where they are.

24              Depending on what they're doing the second you

25   call them, they will hit "Yes" and take it, or "No" and
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 1   don't take it. There could have been one or more drivers

 2   saying yes or no to that system, though we did not -- we

 3   have no record of a redispatch occurring. So we have no

 4   reason to believe a driver rejected the call. At that

 5   point you have three intersections.

 6   At times, if a dispatcher is given an alert that

 7   the driver is picking up a call out of their zone, they

 8   will interrupt for a fourth time. So an eager driver who

 9   wants a ride claims he'll take that ride, but he's down at

10   the airport still.

11   That will sound an alert for the dispatcher to

12   say, "No, you can't do that," because he's fibbing. He's

13   saying, "I'm somewhere that I'm not."

14   Now, most systems since these dates have

15   improved so they can't fib as well, but in the year '10

16   and '11, the driver could pretend to be somewhere he

17   wasn't. So you could have a fourth intervention, where

18   the dispatcher overruled it and said, "No, you don't

19   deserve this ride. It goes here."

20   But definitely you have the minimum of Mr.

21   Gragg, the operator, and the driver all having to touch

22   that record, and by their touch, create the data we need

23   to send out the text.

24   Q.   That data is then pushed to Ridecharge on the

25   network; correct?

 1   MR. GIST: Objection. Mischaracterizes.

 2   THE WITNESS: We concatenate a record that

 3   you're seeing as we go. We have to grab as much as we can

 4   each second it's available because it's only available for

 5   a split second.

 6   And then once we have it, and once we get that

 7   file number -- if we've been assigned, we then have enough

 8   information to send. That concatenation of data, creation

 9   of that record is being done on our servers. Yes.

10   BY MR. HEYRICH:

11   Q.   But there's no --

12   A.   I mean, we're reading actively their system.

13   Q.   I think I saw -- we might have to talk to Mr.

14   Paul or someone else about this -- but there are certain

15   parameters or configurations that one needs to enable

16   within the program in order to allow the two systems to

17   sync up with one another?

18   A.   Sure. It's not like we can, through osmosis,

19   read their computer. They have to open up ports,

20   authorize activity on ports, they have to make decisions

21   what percentage we can do.

22   You can have somebody open up a port, but you

23   can only read Ridecharge rides. You can only read stuff

24   from your Taxi Magic app. You can read all of our rides.

25   And -- depending on that. But yes. I don't think Mr.

 1   Paul would give you different answers than I will on this.

 2   Q.   The three forms of human intervention -- I don't

 3   know if that's the term we used -- but humans being

 4   involved, in any event.

 5   We were talking about Mr. Gragg calling, and the

 6   dispatcher. Was there --

 7   A.   The driver.

 8   Q.   The driver. Okay.

 9   None of those three individuals work for

10   Ridecharge; correct?

11   A.   Correct.

12   Q.   The dispatch notification is sent by Ridecharge

13   after the car is dispatched; correct?

14   A.   Correct.

15   Q.   In other words, the DDS system matches ride with

16   the contractor who wants it, and --

17   A.   Who has accepted it.

18   Q.   -- and then the driver accepts?

19   A.   Right.

20   Q.   Then it's dispatched, and that data goes to

21   Ridecharge, and Ridecharge generates the text message;

22   correct?

23   MR. GIST: Objection. Mischaracterizes the

24   testimony.

25   THE WITNESS: You keep saying "goes to

 1   Ridecharge." We interact -- we're integrating with their

 2   system. So we're sitting there watching. It's like a

 3   toll booth. When it crosses our toll booth, we take a

 4   snapshot of that interaction and watch it.

 5   Q.   That's what you are doing in that situation.

 6   You are watching; right?

 7   A.   Yes.

 8   Q.   Because the dispatch didn't come through you and

 9   you didn't match up the rider; right?

10   A.   Correct.

11   Q.   Let's see if we can look at 876. Can you take a

12   look at that document, please, and let me know when you

13   are ready.

14   A.   Yeah. I've seen this document.

15   Q.   Now, do you think this order flow, as described

16   by David Paul in the first paragraph, is accurate?

17   A.   I wouldn't use the word "pushes," but go ahead.

18   Q.   But in any event, the order flow, I guess,

19   depends on how sophisticated the transportation partner

20   system is; is that right?

21   A.   Yeah. He probably should say whether we can do

22   it at all is dependent on that. But sure.

23   Q.   Orange Cab actually has technology that's fairly

24   up to date; correct?

25   A.   Correct.

 1   Q.   Taxi Track 5.5 or something like that, is that

 2   the system they use?

 3   MR. GIST: Objection. Speculation.

 4   THE WITNESS: I don't know. I mean, I don't

 5   know what level they are on.

 6   BY MR. HEYRICH:

 7   Q.   Do you know what the latest release level is for

 8   DDS?

 9   A.   No. And there would be no purpose to know that.

10   We support a wide range of releases.

11   Q.   Is Orange Cab one of those companies in which

12   Ridecharge has a technical integration to the fleet?

13   A.   Yes.

14   Q.   So it indicates here that Ridecharge would

15   receive point in time events from the dispatch system.

16   A.   Correct.

17   Q.   What are point in time events?

18   A.   A great example was your exhibits we went

19   through earlier that we marked. Point in time would be

20   when the screen is open, we can start garnering

21   information when the screen is open. Then once the screen

22   is closed, we can't get any more information. We wait for

23   dispatch. When dispatch is, we grab that.

24   Then a subset of that data is that it's

25   formatted into the text message and sent to the send.

 1   Q.   The term "listen" that you used before, is that

 2   an Apache server term? There's an Apache server that

 3   listens, is there not?

 4   A.   No, it's not.

 5   Q.   What listens?

 6   A.   We listen to the creation, fair enough. I'm

 7   using an old term. We -- we sit there idle, waiting until

 8   someone calls, and then we listen. And we hear an

 9   "Enter," we keep. If we don't hear an "Enter," we don't

10   keep. So we're listening to the potential calls.

11   Q.   One of the things I've been trying to do is

12   track the flow of electrons here in the system, and I'm

13   trying to find out what it is that signals to you --

14   A.   A ride to be established. When they assign a

15   rider number. So they've assigned a rider ID, which

16   occurs the minute they answer the phone. But until they

17   hit "Enter," it does not get any -- it doesn't get pushed

18   to dispatch.

19   Q.   The ride ID goes to your system before dispatch,

20   if it's a call center caller?

21   A.   That I've tried to answer a couple times. I'll

22   try again.

23   When the screen is up in front of the operator,

24   we have access to that data. The minute they hit "Enter,"

25   we have no access to that data. It's gone. I mean,

 1   unless you kept it. Right?

 2   So then we have a much tougher integration. So

 3   we'd have to go and read through logs of theirs to create

 4   records. So the best time to catch it is when it's live.

 5   So when the first record is live, it has a lot

 6   of information. Pick up, destination, and all that that

 7   did not go into the SMS message. It was just information

 8   on the screen.

 9   Then the next step, once they hit "Enter,"

10   fortunately we have all that data. Now it's assigned

11   another number to that and we follow that. When that cab

12   number is assigned, we then have that. And then finally,

13   to wrap the record up permanently, we know where the cab

14   is dispatched and meter on/meter off.

15   Actually, we don't. They know meter on/meter

16   off. We only know meter on/meter off for our rides and

17   SMS rides. That's where my use of the word "listen" has

18   to do with the active session listening, and there is no

19   audio component to that.
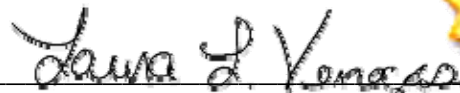
20   Q.   In the modem configuration -- I want to ask a

21   couple of questions.

22   By "modem configuration," I mean SMS text

23   messages/dispatch notification sent via modems, or sent

24   via Twilio?

25   A.   So those would be two separate questions.

Page 245

1   I further advise you that as a matter of firm
   policy, the Stenographic notes of this transcript will be
2   destroyed three years from the date appearing on this
   Certificate unless notice is received otherwise from any
3   party or counsel hereto on or before said date;

4   IN WITNESS WHEREOF, I have hereunto set my hand and
   affixed my official seal this 29th day of May, 2013.

5

6

7

8

9   _____
   Laura L. Venegas, CCR, RPR
   Washington State Certified
10 Court Reporter
   License No. 2110

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EXHIBIT B

Page 1

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

TORREY GRAGG, on his own
behalf and on behalf of
other similarly situated
persons,

            Plaintiff,

        -vs-   No. 2:12-cv-00576-RSL

ORANGE CAB COMPANY, INC.,
a Washington corporation;
and RIDECHARGE, INC., a
Delaware corporation,
doing business as TAXI
MAGIC,

            Defendants.

Deposition Upon Oral Examination

of

TADESSE WOLDEAREGAYE

9:00 a.m.

May 31, 2013

1325 Fourth Avenue, Suite 540

Seattle, Washington

SUSAN CANNON, CCR

Moburg, Seaton & Watkins 206-622-3110   Court Reporters
2033 Sixth Ave., Ste. 826   Seattle, WA 98121

 1   Q.   Now is it true that RideCharge prior to this

 2   was not completely down?

 3   A.   No.   When there is always a network problem

 4   even now, they come completely down.   Because they are

 5   contacting us with internet.   So if our Internet is

 6   down, they cannot establish any network.   So it's always

 7   happening like this one any time.

 8   Q.   Do you have any knowledge of what RideCharge

 9   would do with Orange Cab's data after establishing the

10   connectivity in 2008?

11   MR. GIST: Objection. It calls for

12   speculation.

13   A.   I don't know.

14   Q.   (By Mr. Heyrich) Is there any way that we

15   can find out when Taxi Magic began booking rides for

16   Orange Cab?

17   MR. GIST: Asked and answered.

18   A.   It's very difficult. I don't know.

19   Q.   (By Mr. Heyrich) Is there a source of data

20   that you can access that shows you rides that were

21   booked by Taxi Magic?

22   A.   After the contract there is a special user

23   ID for all trips which comes through the RideCharge so

24   we can differentiate with those user ID.

25   Q.   Do you think that records like that exist

 1   taxi?

 2   A.   What we do is we have a voice messaging

 3   system which we send from our server that the cab is

 4   right outside.   That's the only message we send as a

 5   voice.

 6   Q.   Now is this one of these voice calls that

 7   says something like your cab is outside?

 8   A.   Yeah.

 9   Q.   Go get in it?

10   A.   Yeah.

11   Q.   And when did Orange Cab start employing a

12   voice system like that?

13   A.   I don't exactly -- I don't know exactly.

14   Q.   It was before you joined?

15   A.   Yes.

16   Q.   And do they still do it today?

17   A.   Yes.

18   Q.   Do you know the phone number that's used for

19   outgoing calls or those voice messages?

20   A.   I don't.

21   Q.   If you saw it would you know it?

22   MR. GIST: Objection. Speculation, asked

23   and answered.

24   A.   There are -- no. Because there are a lot of

25   telephone numbers. There are numbers so I don't know

    1   says.

    2   Q.   Can an Orange Cab customer or could an

    3   Orange Cab customer after dispatch notification started

    4   in 2010 download the Taxi Magic app from a dispatch

    5   notification?

    6   MR. GIST: Objection. Speculation.

    7   A.   I don't know.

    8   Q.   (By Mr. Heyrich) Do you have any reason to

    9   doubt the accuracy of Mr. Csontos' statements on that as

   10   stated in his e-mail?

   11   MR. GIST: Objection. Speculation, vague.

   12   Q.   (By Mr. Heyrich) Now prior to this time I

   13   take it that Orange Cab had not been providing dispatch

   14   notifications; correct?

   15   A.   Correct.

   16   Q.   And was the only customer contact for

   17   someone who ordered by phone that voice message that

   18   their cab had arrived?

   19   A.   Yes.

   20   Q.   Did you and Dennis or anyone at Orange Cab

   21   discuss that you needed dispatch notifications?

   22   A.   No. We don't discuss that one, but they

   23   brought up that service, marketing. They came to our

   24   company and they tell us about their service. So after

   25   that we know that that service is existing.

1   Q.   Does that call sound like what you would

2   consider a typical call to the call center?

3   A.   No.

4   Q.   What's different about it?

5   A.   He has to say again every information to

6   confirm. The dispatcher, he has to ask his telephone

7   number again. He has to ask his name again and he has,

8   the pick up address and drop off address, he has to

9   confirm again, the whole thing again. After he finished

10   conversation with the customer he has to confirm

11   everything again.

12   Q.   So do you believe this particular dispatcher

13   performed incorrectly?

14   A.   Yeah.

15   Q.   In that I guess he should have repeated some

16   of --

17   A.   Yes. Even contact number, he has to mention

18   the contact number. He has mention to the contact

19   number of this guy. He has to do that thing.

20   Q.   And you didn't hear Torrey mention his

21   telephone number in that recording, did you?

22   A.   Yes.

23   Q.   Yes?

24   A.   I didn't hear.

25   Q.   You did not hear it?

 1   A.   Yeah.

 2   Q.   And the telephone number ended up in DDS by

 3 virtue of the call taker function in DDS; correct?

 4   A.   No.   The telephone system is totally

 5 independent of the dispatching system.   DDS is own

 6 special but we are not binding that special, okay.   At

 7 the same time modem, but we don't have that modem.   So

 8 totally different.   Telephone system is different from

 9 dispatch system.

10   Q.   I will ask a better question and that is

11 that the telephone number ended up in your system

12 through caller ID; right?

13   A.   Yes.

14   Q.   And is that how a lot of the telephone

15 numbers end up in Oregon Cab's system, through caller

16 ID?

17   MR. GIST: Objection. Mischaracterizes

18 testimony, asked and answered.

19   A.   Yes. Meaning that during that, because the

20 customer can call from different, either from bar, from

21 anyplace. That doesn't mean that in the zone they saw

22 it in the caller ID, they don't have to take that

23 number, because his number, his contact number might be

24 different.

25   Q.   Like I could be calling from a restaurant

```
 1    report program is only checking only for three months

 2    for this such kind of report.  But we have the data.  We

 3    can produce in other form.

 4         Q.    If we look at this for a second, at the top

 5    it has the phone number, do you see that?

 6         A.    Yes.

 7         Q.    And this phone number is input into the

 8    system from the caller ID; right?

 9         A.    Yes.

10         Q.    And by the way, is this from DDS, this

11    printout?

12         A.    Yes.

13         Q.    And 14th Avenue West as far as location, is

14    that something that the dispatcher entered?

15         A.    Yes.

16         Q.    And then I notice it says Paddy Coynes in

17    here.  Is that something that dispatcher would have

18    entered?

19         A.    Yes.

20         Q.    Down on the bottom where it says, assigned

21    condition BUP, do you see that?

22         A.    Yes.

23         Q.    Does that mean backup?

24         A.    Yeah, from backup sound.

25         Q.    So this would have been a record that was
```

```
 1   older than three months, is that right, that's why it

 2   was in backup?

 3        A.    No, that's a different meaning.  This

 4   driver, you see the driver number, 4502?

 5        Q.    Yes.

 6        A.    The car number 850.  We have the zone

 7   booking system.  We divide it King County and Seattle

 8   city in zone.  There is -- let's say downtown zone is

 9   100.  And if you say to zone 155, so they book drivers,

10   they book in that zone.  Okay.  So when a trip -- this

11   actual trip comes from zone 150.  You see zone 150?  So

12   this zone 150 might be it's a backup zone for this

13   driver it might be in book zone 100.  So no one was

14   there in zone 150 so to it goes to the nearest zone.  So

15   they receive it from the backup zone.  That's what it

16   says.

17        Q.    Okay.  What happens within the DDS system

18   after the caller hangs up?  Let's start with in a

19   typical call the caller hangs up.  What does the

20   dispatcher do?

21        A.    So enters all the trip information.  So it

22   goes to the screen.  So it waits until it's matched,

23   meaning that to the cab, to the nearest cab.  Let's say

24   in this case it's in zone 150.  There is no cab in zone

25   150 .  Some drivers are booking in the neighboring zone.
```

1   It might be 100, 150. So because they don't find the

2   system zone 150, try still too much to the nearest

3   backup zone. Then sends. Once it's matched, then the

4   trip information is sent to the cab.

5   Q.   When a taxi is dispatched, does the computer

6   automatically handle that or does someone manually have

7   to press some buttons in order to dispatch?

8   A.   Computer handle that.

9   MR. GIST: Objection. Vague.

10   Q.   (By Mr. Heyrich) We talked a little while

11   ago today about the telephone call that's made to

12   someone when their cab has arrived. Do you remember

13   that?

14   A.   Mm-hmm.

15   Q.   Isn't it true that those calls for Orange

16   Cab are made from the phone number 206-957-0820?

17   A.   Our telephone system has 20 numbers. So it

18   will take one number. Because when a customer calls

19   there are four or three dispatchers. So the telephone

20   is holding. If the dispatchers are busy it says

21   holding, okay. That shows that there's another line.

22   So there is a way working the telephone system.

23   Q.   I'm talking about so, let's say cab 850 is

24   in front of 14th Avenue West in this example. And a

25   call is made to someone like Mr. Gragg saying your cab

```
 1   that meter on?

 2        A.    Yes.

 3        Q.    Would this indicate to you that the meter

 4   went on at approximately 5:29 p.m.?

 5        A.    Yes.

 6        Q.    And then meter went off at about 5:41?

 7        A.    Mm-hmm.

 8        Q.    And the car was dispatched at 5:20?

 9        A.    Yes.

10                    (Exhibit No. 8 is marked

11                     for identification.)

12              MR. HEYRICH:   This is OC 13.

13        Q.    (By Mr. Heyrich)  Do you recognize this

14   document?

15        A.    Yes.

16        Q.    What is it?

17        A.    That's the taxi, how it's working, the whole

18   general system.

19        Q.    Is this a diagram approximately identifying

20   the network map within the Orange Cab dispatching

21   system?

22        A.    This is a general diagram.  But there might

23   be difference to every -- in our case there is a

24   difference from this diagram.

25        Q.    Before with we go there, let me ask you.  Is
```

 1   A.   No. Because I only saw the total trips.

 2   Q.   I think you said earlier about 8 percent or

 3   so were electronic booking; is that right? Or did I

 4   misunderstand?

 5   A.   Yes.

 6   Q.   Which?

 7   MR. GIST: Objection. Compound question.

 8   A.   That's an assumption. It might be. That

 9   assumptions comes because of their report. It's not

10   from our report. It's from their report.

11   Q.   (By Mr. Heyrich) Would you say most cab

12   bookings come by voice call to the dispatch center?

13   A.   It's true.

14   MR. HEYRICH: Thank you very much for your

15   patience. Those are all the questions that I have for

16   you today.

17   MR. GIST: I have a couple things I'd like

18   to make sure we clear up in the transcript.

19

20   EXAMINATION

21   BY MR. GIST:

22   Q.   Mr. Woldearegaye, previously you and Mr.

23   Heyrich spoke about the dispatch, the process for

24   dispatching taxis. What is a trip referral?

25   A.   The trip referral is when a trip is

 1 dispatched to the cab. In order to accept that trip he

 2 has to accept, he has to push the accept button. First

 3 it comes a trip referral. He doesn't see any trip

 4 information. So he has an option to accept that trip.

 5 So if he don't accept the trip, you don't look at trip

 6 information. So the driver has an option to accept or

 7 reject the call.

 8   Q.   Earlier we discussed that your dispatchers

 9 currently enter a plus or a minus before a name. Can a

10 cab be dispatched if a dispatcher doesn't put a plus or

11 a minus before a name?

12   A.   Yes.

13   Q.   One last one. I want to enter Exhibit 29.

14 Looking at Exhibit 29, which you previously discussed in

15 this deposition, is this a document created by Orange

16 Cab?

17   A.   No.

18   Q.   Who created this document?

19   MR. HEYRICH: Objection. Foundation. You

20 may answer.

21   A.   Taxi Magic.

22   Q.   (By Mr. Gist) And earlier you testified

23 about the contents of this slide. Can Orange Cab

24 distinguish between cell phones, customers ordering cabs

25 via cell phones and customers ordering cabs via land

 1   I further certify that I am sealing the
    deposition in an envelope with the title of the above
 2   cause and the name of the witness visible, and I am
    delivering the same to the appropriate authority;
 3
          I further advise you that as a matter of firm
 4   policy, the stenographic notes of this transcript
    will be destroyed three years from the date appearing
 5   on this certificate unless notice is received
    otherwise from any party or counsel hereto on or
 6   before said date;

 7   IN WITNESS WHEREOF, I have hereunto set my hand
    and affixed my official seal this 4th day of June,
 8   2013.

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14   SUSAN CANNON, CCR
                    Washington State Certified
15   Court Reporter
                    License No. 2314

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Moburg, Seaton & Watkins 206-622-3110   Court Reporters
2033 Sixth Ave., Ste. 826   Seattle, WA 98121

EXHIBIT C

```
 1                UNITED STATES DISTRICT COURT
                WESTERN DISTRICT OF WASHINGTON
 2                       AT SEATTLE

 3   _____

 4
     TORREY GRAGG, on his own behalf and on      )
 5   behalf of other similarly situated          )
     persons,                                     )
 6                                                ) Case No.
                                                  )
 7              Plaintiff,                         ) 2:12-cv-00576
                                                  ) -RSL
 8        vs.                                      )
                                                  )
 9   ORANGE CAB COMPANY, INC., a Washington       )
     corporation; and RIDECHARGE, INC., a        )
10   Delaware Corporation, doing business as      )
     TAXI MAGIC,                                  )
11                                                )
                                                  )
12              Defendants.                        )
                                                  )
13                                                )

14   _____

15

16               DEPOSITION OF TORREY GRAGG
                      June 28, 2013
17                  Seattle, Washington

18

19

20

21

22

23   Reported by:
     Connie Recob, CCR, RMR, CRR, CLR
24   CCR No. 2631
     Job No. 447068

25
```

```
 1      ask for that.
 2      BY MR. GIST:
 3   Q.  Do you ever get calls from cab companies telling you about
 4      your cab?
 5   A.  I believe I've received those before.
 6   Q.  And what do those calls say?
 7   A.  It's usually a prerecorded message saying that the cab has
 8      arrived.
 9   Q.  Do you always answer them?
10   A.  No.
11   Q.  Why not?
12   A.  I don't recognize the number.
13   Q.  If you receive a call from a number you don't recognize
14      shortly after you receive or after you ordered a cab, do you
15      generally expect that that number is from the cab company?
16   A.  No.
17   Q.  No?  But it's no surprise to you when you do get those
18      messages?
19                         MR. HEYRICH:  Objection; argumentative.
20                         THE WITNESS:  Correct.
21      BY MR. GIST:
22   Q.  And that's because you ordered the cab?
23                         MR. HEYRICH:  Objection; foundation.
24                         THE WITNESS:  Correct.
25      BY MR. GIST:
```

1   MR. HEYRICH: Objection; speculation.

2   THE WITNESS: I'm not sure.

3   BY MR. GIST:

4   Q. Do you ever use your smartphone to order products from

5   companies?

6   A. I believe so.

7   Q. What kind of products?

8   A. I think refilling a Starbucks card, reloading ORCA card.

9   Q. Do you ever use it to order products on Amazon?

10   A. No.

11   Q. Do you ever use it to order flights?

12   A. No.

13   Q. How do you order flights? Do you order flights?

14   A. I don't order flights.

15   Q. Have you ever flown on an airplane before?

16   A. I have flown on a plane before.

17   Q. Have you flown on a plane the last two years?

18   A. No.

19   Q. So let's talk a little more detail about the Orange Cab taxi

20   that you ordered on February 25th, 2012.

21   A. Okay.

22   Q. So you ordered that cab around 5:17 p.m., right?

23   MR. HEYRICH: Objection; foundation,

24   speculation.

25   THE WITNESS: I think it was somewhere

1   around there.

2   BY MR. GIST:

3 Q. And where were you at that point?

4 A. In lower Queen Anne.

5 Q. Was the address 3031 14th Avenue West?

6 A. I'm not sure.

7 Q. And who were you with?

8 A. With friends.

9 Q. And which friends?

10 A. I don't remember everybody, but I know one of my friends Sean

11   and his girlfriend Jen were there.

12 Q. Was Aubrey Cox there?

13 A. I'm not sure.

14 Q. How about Lauren Smith?

15 A. No.

16 Q. Whose house was that or was that a house?

17 A. It was a house.

18 Q. Whose house was that?

19 A. My friend's mother's house.

20 Q. Which friend?

21 A. Bridget.

22 Q. Bridget. Was Bridget there?

23 A. No, she wasn't there.

24 Q. Was any owner of the house there?

25 A. No.

```
 1   STATE OF WASHINGTON )
                         ) ss
 2   County of Snohomish )

 3           I, the undersigned Washington Certified Court
     Reporter, pursuant to RCW 5.28.010 authorized to
 4   Administer oaths and affirmations in and for the State of
     Washington, do hereby certify:

 5
             That the annexed and foregoing deposition of TORREY
 6   GRAGG was taken before me and completed on June 28, 2013, and
     thereafter was transcribed under my direction;

 7
             I further certify that according to CR 30 (e) the
 8   witness was given the opportunity to examine, read and sign
     the deposition after the same was transcribed, unless
 9   indicated in the record that the review was reserved;

10           I further certify that I am not a relative or employee
     of any such attorney or counsel, and that I am not
11   financially interested in the said action or the outcome
     thereof;

12
             I further certify that the witness before examination
13   was by me duly sworn to testify the truth, the whole truth
     and nothing but the truth;

14
             I further certify that the deposition, as transcribed,
15   is a full, true and correct transcript of the testimony,
     including questions and answers, and all objections, motions
16   and exceptions of counsel made and taken at the time of the
     foregoing examination and was prepared pursuant to Washington
17   Administrative Code 308-14-135, the transcript preparation
     format guideline;

18
             I further certify that I am herewith securely sealing
19   the said deposition and promptly delivering the same to
     Attorney RYAN GIST.

20
             IN WITNESS WHEREOF, I have hereunto set my hand this
21   2nd day of July, 2013.

22

23   _____
     Connie Recob, Certified Court Reporter No. 2631
24          in and for the State of Washington,
            residing at Stanwood, Washington.
25        My CCR certification expires 4/8/14.
```

EXHIBIT D

EXHIBIT

29

Woldewegay

531-13   SC

F8NCAO 800-531-0909

EXHIBIT 29

Dispatch Notification
Value Proposition

July 2010

OC000144
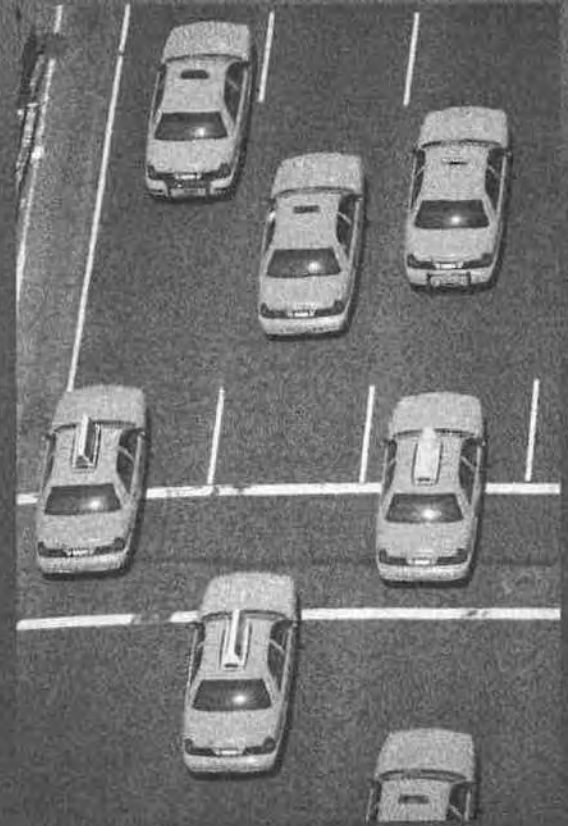
Dispatch Notifications Provide Confirmations for Voice Calls – Reduces Call-backs by 20-30%

- Text message dispatch notifications provided for users booking by phone call

- Messages includes: Dispatch time, Cab #, driver name, distance away

- Reduces "where's my cab" support calls

- Open communication channel with easy cancellation reduces no shows

Taxi dispatched, Taxi num 83, Driver: Larry, 3.3 miles away
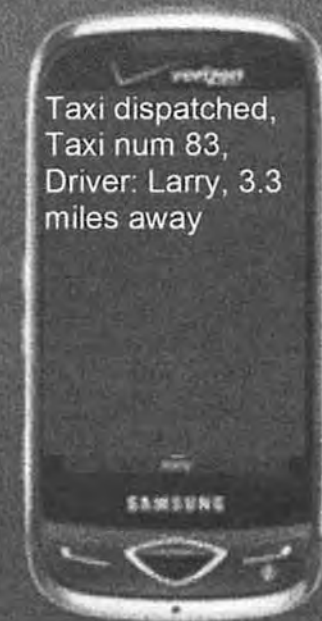
"Starting from the very first day, the dispatch text messages dramatically reduced the number of people calling us back to check on their cab. - Basil Rudaway, President, St. Louis County Cab

2

Taxi Magic

OC000145

Default Fleet Feature Protects Your Customers

Directory

- Directory shows multiple Magic Booking fleets
- User selects a fleet to see more information

Fleet Details

- Fleet Details page allows user to set that fleet as Default Provider

Default Provider

- User Contact Information page confirms Default Provider

Skip Directory

- User goes straight to pick up location

3

Taxi Magic
RideCharge

OC000146

Dispatch Notifications Set Default Fleet Too

Customer places voice order from cell phone

Operator puts order into dispatch system

Dispatch system passes order updates to Taxi Magic

End User

Taxi Fleet

Taxi Magic System

Taxi# 123, Driver: John Smith, 0.6 miles away dispatched @ 7:45.

If you have an iPhone tap http://cabs.io to book taxis with Taxi Magic app

- Taxi Magic sends dispatch notification updates to customer's cell phone
- Electronic booking marketing message included

Marketing response automatically sets Default Provider

4

Page - 51

Text Booking Allows All Users to Book On the Go

- Text booking allows electronic booking via text message from all cell phones regardless of type or carrier

- While smart phones are growing beyond early adopters, text messaging is already a mass market service used by over 70% of consumers

- TMAGIC shortcode easy to remember

- Includes advanced Taxi Magic features like favorite pickup locations, dispatch tracking and credit card payment

5

OC000148
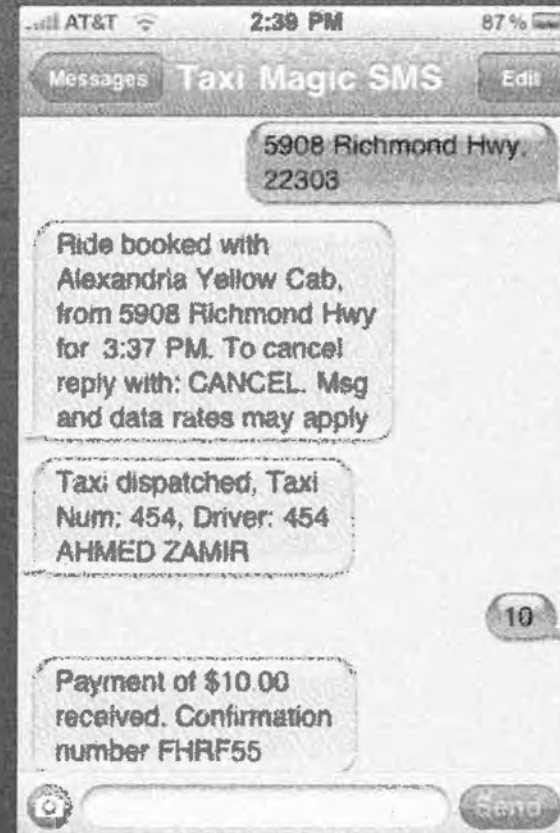
EXHIBIT E

From:	Tim Csontos
To:	Seattle Orange GM
CC:	David Paul
Sent:	7/29/2010 10:54:44 AM
Subject:	Taxi Magic Dispatch Notification Feature
Attachments:	Dispatch Notification Value Proposition July 2010.pptx
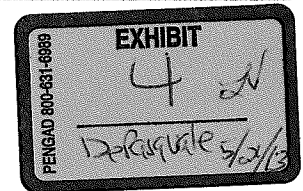
Dennis and Tadesse – I hope you both are having a great day. I'm looking forward to our upcoming visit. I'll have our President Sanders Partee joining us – I'm looking forward to introducing both of you to him and he'll add tremendous value to our back-seat CC device discussion, since he's intimately involved with every facet of it.

I wanted to bring to your attention a feature that you are not taking advantage of that I would like to encourage you to turn, called Dispatch Notification.

I presented Dispatch Notification during our last meeting but here's the brief overview of what it is, how it works, and why you'll be glad you enabled it.

When we built Taxi Magic, part of the reason people really like using it is because of the tracking features. Riders love to know that a cab really is coming to pick them up, they enjoy the visual aspect of seeing the confirmation on their phone, knowing the cab # that will be showing up, and knowing how far away the cab is.

Based on user and fleet feedback – we had a large number of fleets ask us to build a similar type of tracking, but for voice/phone calls.

Most fleets have no automated way of notifying riders who book over the phone that the cab has been dispatched/cab#/ETA, etc. Some fleets manually make phone calls for every ride that's dispatched. Without any notification, many riders will call back asking when their ride will arrive.

So, based on fleet's requests – we built Dispatch Notification for voice calls, for free. Dispatch Notification provides text message confirmations to riders who book over the phone/voice with your fleet. Once the ride is dispatched we let the rider know the ride is dispatched and providing tracking data. Today, we're powering millions of Dispatch Notifications for our fleets and this service alone is helping fleets reduce the # of call-backs by 20-30%, so we're talking about a feature that will reduce thousands of call-backs for riders wanting to know where their ride is, when it will show up, what's the cab #. Riders LOVE the feature because they are no longer in the dark.

A compelling aspect of Dispatch Notification is that we can send the message from the text message booking phone number that is a part of our agreement. We can insert rotating messaging into the Dispatch Notification that lets riders know they can in the future reply to the message with their address to book their cab via text message. We rotate the message to let them also know they can book online and download the Taxi Magic app. Since no-one in Seattle other than Orange is offering Dispatch Notification, or electronic booking via the channels you now own, it's a huge marketing advantage and an overall advantage to Orange.

To take it one step further, should any rider click the link to download Taxi Magic from the Dispatch Notification, we have added a feature called Default Fleet that will then automatically set Orange Cab as the preferred provider within the Taxi Magic app. This means that the rider will forever skip the entire directory (not see any other fleets) and land on the booking button for Orange Cab. This virtually locks out other fleets unless the rider chooses in their profile to return to the directory.

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So the benefits of enabling Dispatch Notification Include:
- Fleets no longer have to manually call riders to provide confirmations
- Riders love getting tracking data for phone/voice based rides
- Fleets heavily reduce their call-backs for "Where's My Cab" calls – by 20/30%
- Riders can reply to the message to book their next trip via Text Message
- Fleet owns the phone number for text booking so if you have a problem with us in the future you own the number.
- Should rider download Taxi Magic app from Dispatch Notification text message, fleet will automatically become Default Fleet for rider therefore skipping the fleet directory from there on.

Negatives:
- When you enable Dispatch Notification, 2% of riders will not like getting a text message confirming their ride and providing tracking details. That rider can reply "Stop" contact you or us and they'll never receive another text message again. This is a tiny percentage of the total who love the feature.

I'm not sure that I need to write much more, but the last point is that Dispatch Notification is a required term of our contract. Because the benefits out-weight any negative (and the only negative is that 2% of people will ask not to receive the confirmations and we can opt them out), and because it's free, there's no reason not to take advantage of it.

We originally built the feature for NTS, then Mobile Knowledge, and it became so popular that DDS fleets asked us to build it for them also. Given the value we've added it to our contract as a required activity. Some features are so overwhelmingly positive, that it's not worth arguing over.

I've included some slides about how Dispatch Notification works.

Please let me know if you have any questions at all on this. David Paul will help you get it turned on.

Again, this is a hugely popular and beneficial tool that will reduce call-backs, please riders, reduce no-shows, differentiate your fleet from competitors, and more.

Thanks very much,
Tim

Click Here for a Short Overview of Taxi Magic

Timothy M. Csontos
VP Business Development
703-867-5392
tim@taximagic.com

Taxi Magic

EXHIBIT F

dp

From: David Paul
Sent: Monday, June 27, 2011 10:57
To: Becky Byrley
Subject: RE: Return Text

Perfect! Looking forward to talking next week.

From: Becky Byrley [mailto:bbyrley@yellowcabflorida.com]
Sent: Monday, June 27, 2011 10:53
To: David Paul
Subject: RE: Return Text

Looks good

Becky Byrley
Director of Marketing
Florida Gulf Coast Transportation LLC
Yellow Cab / Metro Cab / Metro Cars
16991 US HWY 19 North
Clearwater, Florida 33764
Phone 727-712-5925
Cell 727-647-8649
Fax 727-531-5525
www.YellowCabFlorida.com
bbyrley@yellowcabflorida.com

Become our Facebook Fan ... Yellow Cab Florida
Follow Us on Twitter @YellowCabFLA

From: David Paul [mailto:dmp@taximagic.com]
Sent: Monday, June 27, 2011 10:24 AM
To: Becky Byrley; Jay McClary
Cc: George Delk
Subject: RE: Return Text
Importance: High

Hey Becky,

Great to talk to you just now…

From our conversation, I learned that:

1) You (and your customers and accounts) LOVE the Dispatch Notifications (we call them "DN's")
2) You're doing a tremendous job with local marketing – stickers in every cab, flyers at hotels, etc., etc., etc.
3) You're pushing TMAGIC on the retail side of the business
4) The marketing in DN's is causing some problems with accounts. The scenario is that someone (case manager, etc.) at a Hospital or Agency calls to order a cab for a client and provides their cell phone to the Customer Service Agent at Yellow. They do this specifically so they DO get the DN's and can then let the client know when the cab is one the way. However the marketing in the message is causing some confusion, and the case manager then tries to order their next taxi (for a client) using some flavor of Taxi Magic. This doesn't work since the account requirements are not met.

So… we agreed to do three things:
1) Effective immediately – and temporarily – I've removed all marketing from your DN's for all three fleets
2) Next week we (You, Me, Jay, & George) will have a call to discuss the situation in detail and determine the next steps, which will likely be:

Page - 57

a. Taxi Magic will work on some new technology that will allow us to suppress the marketing from the DN for specific account numbers
b. Yellow Cab will work on an educational program for case managers, etc. which will let them know they cannot order cabs for clients using Taxi Magic.

Did I get it right??

dp

From: Becky Byrley [mailto:bbyrley@yellowcabflorida.com]
Sent: Monday, June 27, 2011 09:51
To: David Paul; Jay McClary
Cc: George Delk
Subject: Return Text

Hello gentlemen,

We are very excited that riders are getting the text stating "Taxi #___ dispatched @__:___. Next time book Yellow Cab-Gulf Coast online @ yellowcabfla.com/florida-gulf-coast-transportation." After the cab is dispatched.

We see a potential problem with customers who have an account using the website and or texting their pick-up. To solve this problem, we would like for you to remove the website on the confirmation text. Will this be a problem?

Thank you,

Becky Byrley
Director of Marketing
Florida Gulf Coast Transportation LLC
Yellow Cab / Metro Cab / Metro Cars
16991 US HWY 19 North
Clearwater, Florida 33764
Phone 727-712-5925
Cell 727-647-8649
Fax 727-531-5525
www.YellowCabFlorida.com
bbyrley@yellowcabflorida.com

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Follow Us on Twitter @YellowCabFLA

EXHIBIT G

From:	David Paul
To:	Jeremy Phillips; _Sales; _Marketing
BCC:	David Newsom; Gary Mendel; Matt Carrington
Sent:	8/31/2011 11:42:10 AM
Subject:	RE: DNs for NON-TM, NON-dispatch fleets

The order flow depends entirely on the technology in use by a fleet. Ignoring fleets using no technology or very little technology, a customer's phone number is either populated into "the dispatch system" by an integration between the fleet's phone system and the dispatch system, or more commonly it's just typed by a call taker.

When we have a technical integration to a fleet, we receive point-in-time "events" from the dispatch system. The dispatch system pushes us the information that taxi 123 just accepted order 789. We then deliver a DN to the phone number on order 789 -- we have the phone number from when the order was put into the system, or we query the dispatch system to get it. We send the phone number to Twilio or to the SMS modem, depending on the fleet.

Without a full integration, we would not get the events letting us know when to send/what to send for doing DNs.

From: Jeremy Phillips
Sent: Wednesday, August 31, 2011 14:29
To: David Paul; _Sales; _Marketing
Subject: Re: DNs for NON-TM, NON-dispatch fleets

… I was hoping you could tell me that.

Is there any way for us to collect incoming phone numbers for/from the fleet? How does the incoming phone number currently get put in to DDS, MK and through to twilio?

Kind Regards,
Jeremy

Students Win National Award for Heineken USA-Taxi Magic Safe Ride Home Advertising Campaign
Bill Yuhnke introduces Taxi Magic PIMs in Buffalo, NY
Taxi Magic in the New York Times: "Navigating the World with Social Media"

Jeremy J. Phillips
Business Development Team :: Taxi Magic / RideCharge
Twitter: @jeremyjjp Skype: jeremyjjp Cell: 703-408-1387 Web: www.taximagic.com

Taxi Magic
Your Ride Awaits…

From: David Paul <dmp@taximagic.com>
Date: Wed, 31 Aug 2011 11:24:01 -0700
To: Jeremy Phillips <jeremy@taximagic.com>, _Sales <sales@ridecharge.com>, _Marketing <marketing@taximagic.com>
Subject: RE: DNs for NON-TM, NON-dispatch fleets

How would we send the text if we weren't integrated to the fleet?

From: Jeremy Phillips
Sent: Wednesday, August 31, 2011 14:20
To: _Sales; _Marketing; David Paul
Subject: DNs for NON-TM, NON-dispatch fleets

Page - 60

EXHIBIT H

Smart Search Detail Report

TAXI
Pickup Address
Ph: 2069498880 No: 3031   Loc: 14TH AVE W   Di: SEATT unit:

Destination Address
Ph: No: 1190   Loc: THOMAS ST 300 BLK   Di: SEATT unit:

Co: ORANGE CAB COMPANY
Plmrk: Dlmrk: PADDY COYNES SEATTLE
PZone: 150 DZone: 105 PMapRef: 534F7 DMapRef: 565A4

Acct#:   SubAcc#:   Name:
Acct Drv Msg:
Passenger name: COREY   #Cars: 1 Flat: 0.00   Type:
Auth#:   Name:
Attrs: 1   Dur: 00:00 Cab#:   Priority: N R/C: 0 Fare: 0.00

Remarks: 206-949-9990
Extra   TO LAKE UNION
Remarks:

Reservation Time: 25-FEB-2012 17:19 #Callbacks: 0   Clone: N
     Creation Time: 25-FEB-2012 17:19   Creation Calltaker ID: 1028
Modification Time: Modification Calltaker ID:
   Redispatch Time: Redispatch Calltaker ID:
Cancel Time: Cancel Calltaker ID: Cancel Reason:
   Disp Time: 25-FEB-2012 17:20 Disp Car: 850 Disp Driver: 4502
   Ons Time: Mon Time: 25-FEB-2012 17:29
   Mof Time: 25-FEB-2012 17:41 Not Time: Not Rsn: 0

Rej Car 1: 0   Rej Car 2: 0   Rej Car 3: 0   Rej Car 4: 0

Assigned Condition: BUP   Completion Substate: NOR
Voice: N Late MON: N Per: N Minority Zone: N Prob: N   Flag: N
Trip ID: 785896
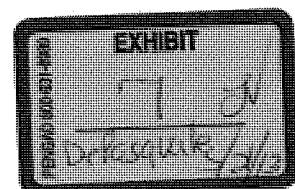   ISV seq num: 7416284

OC000014

EXHIBIT I

Search

My Current Usage

Details for: 206-949-8880

The following reflects current usage since your last statement

MinutesMessagesDataConnect/Hotspot

72 Anytime Minutes used   **Usage Type:** All Minutes
Cycle ends 03/09/12
Download to SpreadSheet

Viewing 1 to 20 of 36 results.   Previous 1| 2 Next All

Date	Time	Number	Minutes	Desc
02/28/2012	4:13 PM	2063518108	8	INCOMING
02/28/2012	2:06 PM	2063518108	1	SEATTLE
02/28/2012	8:24 AM	4252081306	5	INCOMING
02/27/2012	6:06 PM	5094462074	24	METALINFLS
02/27/2012	3:29 PM	4252081305	2	BELLEVUE
02/27/2012	3:28 PM	4252081305	1	BELLEVUE
02/27/2012	3:24 PM	4252081305	2	INCOMING
02/27/2012	3:17 PM	4252081306	6	INCOMING
02/27/2012	2:39 PM	4252081306	1	BELLEVUE
02/25/2012	11:46 PM	2063037704	1	SEATTLE
02/25/2012	5:26 PM	2069570820	1	INCOMING
02/25/2012	5:17 PM	2065228800	1	SEATTLE
02/25/2012	5:15 PM	2062717277	1	SEATTLE
02/24/2012	5:46 PM	2063518108	4	INCOMING
02/24/2012	3:08 PM	2066834569	2	SEATTLE
02/23/2012	8:15 PM	2052337000	1	SEATTLE
02/23/2012	5:16 PM	2066845600	1	SEATTLE
02/23/2012	3:15 PM	2066834569	2	SEATTLE
02/23/2012	11:02 AM	8003148247	7	TOLL-FREE
02/20/2012	5:48 PM	2067939089	15	INCOMING

Viewing 1 to 20 of 36 results.   Previous 1| 2 Next All

Download to SpreadSheet

EXHIBIT #6
Gragg
6/28/13
PENGAD 800-631-6989

GRAGG000004

Search

My Current Usage

Details for: 206-949-8880

I Want To...

Related Actions
Analyze Usage
Block Services
Change Billing Address
Change Features
Change Minutes
Change Plan
Manage Paperless Billing
Manage Payment Accounts
Pay Bill
Payment Option Demo
Run Account Analysis
Set Up Auto Pay
Understanding Paper Bill & Understanding
Online Bill
View Payment History

The following reflects current usage since your last statement

MinutesMessagesDataConnect/Hotspot

237 Text Messages Used   **Usage**
Cycle ends 03/09/12   **Type:** Text & Picture Messaging

Download to SpreadSheet

Viewing 41 to 60 of 586 results.   First/Previous 2| 3| 4 Next/Last All

Date	Time	To	From	Direction	Message Type
02/28/2012	12:05 PM	2062868337	2069498880	Sent	Domestic - M2M Text
02/27/2012	11:34 AM	2069157360	2069498880	Sent	Domestic - Text
02/27/2012	11:34 AM	2069498880	2069157360	Received	Domestic - Text
02/27/2012	11:33 AM	2069157360	2069498880	Sent	Domestic - Text
02/27/2012	11:28 AM	2069498880	2069157360	Received	Domestic - Text
02/27/2012	10:35 AM	2069498880	2069157360	Received	Domestic - Text
02/27/2012	10:25 AM	2069157360	2069498880	Sent	Domestic - Text
02/27/2012	10:24 AM	2069498880	2069157360	Received	Domestic - Text
02/27/2012	10:14 AM	2069157360	2069498880	Sent	Domestic - Text
02/27/2012	10:14 AM	2069498880	2069157360	Received	Domestic - Text
02/27/2012	10:13 AM	2069498880	2069157360	Received	Domestic - Text
02/27/2012	10:10 AM	2069157360	2069498880	Sent	Domestic - Text
02/27/2012	10:08 AM	2069498880	2069157360	Received	Domestic - Text
02/27/2012	10:06 AM	2069157360	2069498880	Sent	Domestic - Text
02/27/2012	10:05 AM	2069498880	2069157360	Received	Domestic - Text
02/27/2012	10:02 AM	2069157360	2069498880	Sent	Domestic - Text
02/27/2012	9:25 AM	2069498880	2069157360	Received	Domestic - Text
02/27/2012	9:24 AM	2069157360	2069498880	Sent	Domestic - Text
02/27/2012	9:21 AM	2069498880	2069157360	Received	Domestic - Text
02/26/2012	9:05 PM	2069498880	5713095286	Received	Domestic - Text

Viewing 41 to 60 of 586 results.   First/Previous 2| 3| 4 Next/Last All

Download to SpreadSheet

Verizon WirelessPhones & DevicesBrands / OS
Explore Verizon Cell Phones   Apple
Shop   Smartphones   Blackberry
My Verizon   Tablets   Droid
Support   Mobile Hotspots   Droid Does
                 USB Modems   HTC
                 Home Phone   iPad
                 Connect   iPhone
                 Accessories   LG
                                   Motorola
                                   Samsung

Plans, Deals & More Service & Support |About Us
Cell Phone Plans   Verizon Wireless |Careers
Deals & Special OffersCommunity |Corporate
Free Phones   Verizon Wireless
Certified Pre-Owned   Coverage Map
PrePaid   4G LTE
Entertainment & Apps Best Network
                       View Mobile Site

Verizon Offerings © 2012 Verizon Wireless
Business   Connect with us
Small Business   Responsibility |HopeLine
Center |Verizon Innovation Program
Affiliate Program |Radio Frequency Emissions
Open Development |Avoid Potential Hearing Loss
Lifeline/Link-Up |Drive Responsibly |Privacy
                       Legal Notices |Customer
Agreement |Brochures |Customer Guarantee |CTIA
Consumer Information |Website Use |Return Policy
                       |Accessibility
       My Verizon Terms & Conditions | Electronic
                  Device Recycling

GRAGG000005

EXHIBIT J

id	provider_id		type_id	driver name	driver_id	region_id	latitude	longitude		event name	event_at	event_at_local	created_at
30451042	114	67	850		4502	785896	47.6363	-122.343	3	dds172	2/25/2012 17:19	2/25/2012 17:19	2/26/2012 01:18
30453013	114	59	850	,IBRAHIM	4502	785896	47.6363	-122.343	3	dds172	2/25/2012 17:20	2/25/2012 17:20	2/26/2012 01:20
30453300	114	99	850		4502	785896	47.6363	-122.343	5		2/25/2012 17:20	2/25/2012 17:20	2/26/2012 01:20
30453301	**114**	**0**	**850**	**,IBRAHIM**	**4502**	**785896**	**47.6363**	**-122.343**	**5**	**dds172**	**2/25/2012 17:20**	**2/25/2012 17:20**	**2/26/2012 01:20**
30454461	114	99	850		4502	785896	47.6365	-122.343	5		2/25/2012 17:21	2/25/2012 17:21	2/26/2012 01:21
30457685	114	99	850		4502	785896	47.6457	-122.35	5		2/25/2012 17:23	2/25/2012 17:23	2/26/2012 01:23
30460887	114	99	850	,IBRAHIM	4502	785896	47.6487	-122.355	5		2/25/2012 17:26	2/25/2012 17:26	2/26/2012 01:25
30462049	114	99	850		4502	785896	47.654	-122.37	5		2/25/2012 17:26	2/25/2012 17:26	2/26/2012 01:26
30462188	114	61	850	,IBRAHIM	4502	785896	47.654	-122.37	5	dds172	2/25/2012 17:26	2/25/2012 17:26	2/26/2012 01:26
30463001	114	99	850		4502	785896	47.6538	-122.375	5		2/25/2012 17:27	2/25/2012 17:27	2/26/2012 01:27
30465850	114	99	850		4502	785896	47.6473	-122.375	5		2/25/2012 17:29	2/25/2012 17:29	2/26/2012 01:29
30466378	114	1	850	,IBRAHIM	4502	785896	47.6472	-122.375	6	dds172	2/25/2012 17:29	2/25/2012 17:29	2/26/2012 01:29
30466379	114	99	850		4502	785896	47.6472	-122.376	5		2/25/2012 17:29	2/25/2012 17:29	2/26/2012 01:29
30467969	114	99	850		4502	785896	47.6483	-122.376	6		2/25/2012 17:30	2/25/2012 17:30	2/26/2012 01:30
30470848	114	99	850		4502	785896	47.6378	-122.376	6		2/25/2012 17:32	2/25/2012 17:32	2/26/2012 01:32
30472889	114	99	850		4502	785896	47.6272	-122.369	6		2/25/2012 17:34	2/25/2012 17:34	2/26/2012 01:34
30475986	114	99	850		4502	785896	47.6257	-122.366	6		2/25/2012 17:36	2/25/2012 17:36	2/26/2012 01:36
30478931	114	99	850		4502	785896	47.6245	-122.353	6		2/25/2012 17:38	2/25/2012 17:38	2/26/2012 01:38
30481848	114	99	850		4502	785896	47.6245	-122.34	6		2/25/2012 17:40	2/25/2012 17:40	2/26/2012 01:40
30483678	114	2	850	,IBRAHIM	4502	785896	47.6215	-122.337	6	dds172	2/25/2012 17:41	2/25/2012 17:41	2/26/2012 01:41
30483679	114	99	850		4502	785896	47.6215	-122.337	6		2/25/2012 17:41	2/25/2012 17:41	2/26/2012 01:41

id	30772040
message	Taxi #850 dispatched @ 05:20. Smart phone? Book our cabs with Taxi Magic - #1 FREE taxi booking app http://cabs.io/29e1b7d
sms_number_id	6781909
smsc_id	18
created_at	2/26/2012 01:20
updated_at	2/26/2012 01:20
type	SmsSent
reference_id	14502
sms_message_code_id	60

ID	Description
0	Accept
1	Meter On/Load
2	Meter Off/Unload
4	Smart Meter Fare
5	RideCharge Payment
10	Completed By Emergency
11	Completed By Voice Dispatch
12	Completed By Meter Fault
13	Completed By Auto Log Off
14	Completed By Special Assignment
15	Completed By Trip Cancellation
16	Completed By No-Trip
17	Completed By Change To Voice Car
18	Completed By Car Record Deletion
19	Completed By Driver Deletion
20	Completed By MID Change
21	Completed By Recovery Problem
22	Completed By Company Change
23	Completed By Car De-authorization
24	Completed By GPS Antenna Fault
25	Completed By Virgin Recovery
26	Completed By MADS Export Cancel
27	Completed By Driver Suspension
50	Car Deauthorized
51	Car Authorized
52	Car Emergency
53	Vehicle Signed On
54	Vehicle Signed Off
55	Vehicle Booked In
56	Vehicle Booked Off
57	Vehicle On-site
58	Re-dispatch (manual override to vehicle)
59	Trip Offer
60	Trip Reject
61	Callout
62	Old/Stale Trip
63	Callback
64	Multiple Rejects
65	Duplicate Trip
66	Rapid Meter
67	Trip/Ride Creation
68	Trip/Ride Modification
69	Trip/Ride Maturation
99	GPS Update

TM005272

id	40404553
dispatch_info_id	29788955
sms_number_id	6781909
provider_id	114
address	3031 14TH AVE W
vehicle_number	850
driver_name	, IBRAHIM
vehicle_latitude	47.6363
vehicle_longitude	-122.343
pickup_latitude	47.647
pickup_longitude	-122.374
event_at_local	2/25/2012 17:20
sms_sent_at	2/26/2012 01:20
sms_id	
sms_sent	1
smsc_id	
sms_message_id	30772040
sms_marketing_short_code_id	24391943
created_at	2/26/2012 01:20
updated_at	2/26/2012 01:20

id	12072383
provider_id	114
fleet_id	1
dispatch_system_ride_id	785896
taxi_track_order_type_id	1
phone_number	2069498880
phone_ext	
pickup_house_number	3031
pickup_street_name	14TH AVE W
pickup_district	SEATT
pickup_unit	
pickup_landmark	
pickup_longitude	-122.374
pickup_latitude	47.647
pickup_zone_num	150
dropoff_house_number	1190
dropoff_street_name	THOMAS ST 300 BLK
dropoff_district	SEATT
dropoff_unit	
dropoff_landmark	PADDY COYNES SEATTLE
dropoff_longitude	-122.333
dropoff_latitude	47.621
dropoff_zone_num	105
passenger_name	COREY
number_of_passengers	
remark1	206-949-9990
remark2	
extra_remark1	TO LAKE UNION
extra_remark2	
extra_remark3	
extra_remark4	
extra_remark5	
extra_remark6	
pickup_time	
system_attributes	1
account_id	
callback_flg	0

personal_vehicle_number	
server_name	dds172
event_at_local	2/25/2012 17:19
created_at	2/26/2012 01:18
updated_at	2/26/2012 01:18

id	6781909
number	12069498880
user_name	COREY
active	0
unsubscribe_sms	0
created_at	2/26/2012 01:20
updated_at	4/18/2012 16:15
sms_sent	1
high_priority	0
mobile_number	1
dispatch_sms1_count	0
dispatch_sms2_count	0
dispatch_sms3_count	0
dispatch_sms4_count	0
sms_number_source_id	3
sms_number_marketing_channel_id	
default_provider_id	114

EXHIBIT K

UNITED STATES DISTRICT COURT

for the

NORTHERN DISTRICT OF CALIFORNIA

TORREY GRAGG, ET AL,   )
)
        Plaintiff,   )
)
    vs.   )   Civil Action No.
)   2:12-CV-00576-RSL
ORANGE CAB COMPANY, INC AND   )
RIDE CHARGE   )
(dba TAXI MAGIC)   )
)
        Defendants.   )
_____/

DEPOSITION OF

AMEER BADRI

SAN FRANCISCO, CALIFORNIA

JUNE 28, 2013

ATKINSON-BAKER, INC.

COURT REPORTERS

(800) 288-3376

www.depo.com

FILE NO.: A704E2A

REPORTED BY: ANDREA F. DANCE, CSR NO. 12865

1   A.   -- then I'll address --

2   Q.   Okay.

3   A.   -- exactly how you would do that.

4   Q.   Great.

5   A.   So Twilio is a cloud based telephonic

6 communications company --

7   Q.   Okay.

8   A.   -- and what that means is that it allows web

9 developers to be able to send text messages and even

10 make voice calls using our, what's called web based

11 APIs.

12   Q.   Okay.

13   A.   These are basically programming constructs

14 that developers can call over the internet from their

15 application.

16   Q.   Okay.

17   A.   So that's at the broad level what Twilio

18 provides, these constructs.

19   And then in terms of making, let's say you

20 wanted to send a text message, in your example, you

21 would actually sign into Twilio. It's actually a

22 self-service process, so you could actually go on our

23 website and sign up without even involving anyone. It's

24 a completely self-service model.

25   So let's say you sign-up there, and it gives a

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 1                REPORTER'S CERTIFICATE

 2

 3      I, ANDREA F. DANCE, CSR No. 12865, Certified

 4   Shorthand Reporter, certify;

 5       That the foregoing proceedings were taken before me

 6   at the time and place therein set forth, at which time

 7   the witness was put under oath by me;

 8       That the testimony of the witness, the questions

 9   propounded, and all objections and statements made at

10   the time of the examination were recorded

11   stenographically by me and were thereafter transcribed;

12       That the foregoing is a true and correct transcript

13   of my shorthand notes so taken.

14       I further certify that I am not a relative or

15   employee of any attorney of the parties, nor financially

16   interested in the action.

17       I declare under penalty of perjury under the laws

18   of California that the foregoing is true and correct.

19       Dated this 1st day of July, 2013.

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22   _____

23      ANDREA F. DANCE, CSR No. 12865.

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